

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV08-01409-JVS (MLGx) Date November 6, 2009

Title Protective Life Insurance Co. v. Baker

Present: The James V. Selna
Honorable

| | |
|--------------|----------------|
| Terri Steele | Not Present |
| Deputy Clerk | Court Reporter |

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

Proceedings: (In Chambers) Order to Show Cause Why Judgment Should Not Be Entered in Favor of Shari Farrell

This is an interpleader action filed by Protective Life Insurance Co. (“Protective”) concerning a dispute over the proceeds of a life insurance policy which Protective issued on the life of Anne M. Baker (“Anne”), policy no. AD19U1313933. (Complaint, ¶ 7.) Defendants are Jeffrey C. Baker (“Jeffrey”) , Anne’s surviving husband, and Shari Farrell (“Shari”), Anne’s daughter. They are the only two claimants.

On December 12, 2008, Protective deposited the policy proceeds with the Court, and the Court subsequently discharged Protective from the action. (Docket Nos. 23, 25.)

Jeffrey asserted that he was the primary beneficiary under the policy. (Docket No. 9.) Shari is the secondary beneficiary (Complaint, ¶ 7), and contends that because Jeffrey murdered Anne, he is barred by California Probate Code Section 252 from recovering under the policy.¹ That section provides:

A named beneficiary of a bond, life insurance policy, or other contractual arrangement who feloniously and intentionally kills the principal obligee or the person upon whose life the policy is issued is not entitled to any benefit under the bond, policy, or other contractual arrangement, and it becomes payable as though the killer had predeceased the decedent.

¹Shari made her appearance by joining in the parties’ Joint Rule 26 Report. (Docket No. 14.) The Report adequately sets forth her position, and the Court deems the Report her answer in this action.

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(Cal. Probate Code § 252.)

The Court takes judicial notice that on October 30, 2009, Jeffrey pled guilty in People v. Jeffrey Craig Baker, Superior Court of the State of California, County of Orange, Case No. 08NF0926 F A, to the homicide of Anne in violation of California Penal Code 187 in the second degree, and was immediately sentenced to 15 years to life.

Jeffrey is ordered to show cause within 20 days why the Court should not declare him barred from claiming the policy proceeds and enter judgment awarding the policy proceeds to Shari.

A failure to respond to this order to show cause shall be deemed consent by Jeffrey to enter judgment in favor of Shari.

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